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AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 10/813,942
Filing Date: March 30, 2004
Title: IMPROVING STORE PERFORMANCE

MAR 17 2008

Page 8
Dkt: P18224**REMARKS**

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed November 14, 2007. Furthermore, no new matter is believed to have been introduced hereby.

Claims 8, 10-13, 15-18, 20, 23, 26-38 were previously pending. Claims 1-7, 9, 14, 19, 21-22, 24-25 were previously canceled without prejudice. Claims 8, 12, 18, 26-27, and 31 have been amended. Accordingly, claims 8, 10-13, 15-18, 20, 23, 26-38 remain pending in this application.

Initially, the undersigned attorney would like to thank Examiner Hyun for indicating that claims 12-13 and 15-17 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner is kindly requested to reconsider allowability of the pending claims in light of the following remarks.

35 USC § 112 Rejection of the Claims

Rejection of claims 26 under 35 USC § 112, second paragraph, is believed to be moot in light of detailed amendment to claim 26.

35 USC §103 Rejection of the Claims

Claims 8, 10-11, 18, 20, 23, and 26-38 were rejected under 35 USC § 103(a) as being unpatentable over Ghoroury et al. (U.S. Patent No. 5,867,400; hereinafter “Ghoroury”).

Each of these rejections is respectfully traversed since the cited art, alone or in combination, fails to teach or suggest the claimed combination of features such as set forth in any of the pending claims.

Further, the Office appears to assert that many of the elements recited in claims 8, 10-11, 18, 20, 23, and 26-38 are taught by inherency even though Ghoroury fails to teach these elements explicitly. For example, in rejecting claims 8 and 31, the Action indicates that:

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features of the claims although not taught explicitly by Ghoroury, a main memory cache may be considered a "global observation store buffer" (GoSB) storing values only after RFO has been granted and thereby becoming globally observed (claim 9); itself inherently comprising a "non-committed store queue" (NcSQ) storing globally cached data not yet literally written (i.e. tagged as being dirty) to main memory and thereby "globally observed" (claim 10); with remaining claims being considered mere recitations of elements or behaviors considered otherwise inherent of typical cache implementation as may be obviously utilized to implement aforementioned GoSB and NcSQ caches/elements, and thereby considered obvious in combination with that more explicitly taught by Ghoroury.

The Office goes on to state that:

With respect to claim 10-11, 20, 23, 26, 28-30, and 32-38, the features of the claims although not taught explicitly by Ghoroury, a main memory cache may be considered a "global observation store buffer" (GoSB) storing values only after RFO has been granted and thereby becoming globally observed (claim 9); itself inherently comprising a "non-committed store queue" (NcSQ) storing globally cached data not yet literally written (i.e. tagged as being dirty) to main memory and thereby "globally observed" (claim 10); with remaining claims being considered mere recitations of elements or behaviors considered otherwise inherent of typical cache implementation as may be obviously utilized to implement aforementioned GoSB and NcSQ caches/elements, and thereby considered obvious in combination with that more explicitly taught by Ghoroury. Ghoroury discloses an interface block for receiving commands and data from and send commands and data to other application elements via the command/data/timing bus and each instruction including a command argument to set control parameters of the corresponding application element; and integrated circuit including a selected set of programmable application elements interconnected on the command/data/timing bus to cooperatively perform a specified application [Col. 7, Lines 30-65; Col. 3, Lines 23-53].

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To the extent that the Examiner's comments indicate that the Examiner considers this limitation of these claims are taught by inherency, Applicants assert that the record fails to provide any factual support for a finding of teaching by inherency.

More specifically, to prove inherency, the Examiner must establish that the cited art (Ghoroury) necessarily includes the limitation recited in these claims. Continental Can Co. U.S.A. v. Monsanto Co., 948 F.2d 1264, 1268 (Fed. Cir. 1991). There is simply no such showing on the record. For example, Ghoroury does not necessarily need to have the claimed GoSB or NcSQ such as defined in the pending claims.

Without limiting the scope of embodiments of the invention, only in an effort to impart precision to the claims (e.g., by more particularly pointing out embodiments of the invention, rather than to avoid prior art), and merely to expedite the prosecution of the present application, Applicant has amended all independent claims 8, 18, 27, and 31 to in part recite language from the allowable claim 12 as detailed above.

Accordingly, it is respectfully submitted that all pending independent claims 8, 18, 27, and 31 are in condition for allowance.

Also, all pending dependent claims should be allowable for at least similar reasons as their respective independent claims, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (720-840-6740) to facilitate prosecution of this application.

Applicant hereby petitions, as well as includes the appropriate fee herewith, to obtain a one-month extension of the period for responding to the Office action, thereby moving the deadline for response from February 14, 2008 to March 14, 2008.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

CUSTOMER NUMBER: 50890

Telephone No. 720-840-6740

Date March 14, 2008

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